

REMARKS/ARGUMENTS

Claims 9-44 have been cancelled. Claims 1-8 are presented as originally presented in the parent application of which the present application is a Divisional. Claims 45-59 are newly presented.

The parent application of which the present application is a Divisional was subject to a first Restriction Requirement mailed on November 14, 2002, that divided the claims into a first group of claims 1-29 and 37-44 drawn to a "A testing device" and "A method for determining energy released," and a second group of claims 30-36 drawn to "A bimetallic actuator." Claims 1-29 and 37-44 were elected in response filed on December 10, 2002, in which the Applicant reserved the right to pursue non-elected claims 30-36 in one or more Divisional applications.

The elected claims in the parent application of which the present application is a Divisional were subjected to a second Restriction Requirement mailed on February 26, 2003, that divided elected claims 1-29 and 37-44 into a first group of claims 1-8 drawn to "A method for determining an amount of energy released by a thermally responsive snap-action bimetallic actuator," a second group of claims 9-16 and 37-44 drawn to "Determining force," and "A device for testing force," a third group of claims 17-23 drawn to "A method for determining energy," and a fourth group of claims 24-29 drawn to "An energy measuring device." Claims 9-16 and 37-44 were elected in response filed on April 19, 2003, in which the Applicant reserved the right to pursue non-elected claims 1-8, claims 17-23 and claims 24-29 in one or more Divisional applications.

Previously non-elected claims 1-8 are presented in a Divisional application filed herewith that claims benefit of the parent application filed on October 19, 2001. This Preliminary Amendment is directed to the Divisional application filed herewith wherein previously non-elected claims 1-8 are presented. This Preliminary Amendment cancels claims 9-16 and 37-44 that are presented the allowed parent application and further cancels previously non-elected claims 17-23, non-elected claims 24-29, and non-elected claims 30-36.

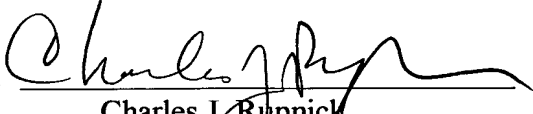
Additionally, this Preliminary Amendment presents new claims 45-59 that are drawn to the invention recited in currently elected claims 1-8, but are different in scope.

The invention as recited in newly presented claims 45-59 is fully supported by the Specification, Figures and Claims of the application as originally filed. No new matter is added.

The claims being in form for allowance, allowance is respectfully requested.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

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